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Attorneys for Defendants
WELLS FARGO BANK, N.A. and
WELLS FARGO & CO.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, TIM FOX,
ERIN WALKER and WILLIAM SMITH,
as individuals, and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through
125,

Defendants.

Civil Case No.: CV-07-5923 WHA

**REQUESTS FOR ADMISSION
FROM WELLS FARGO BANK,
N.A. TO PLAINTIFF ERIN
WALKER (SET TWO) [Nos. 5-8]**

REQUESTING PARTY: Defendant WELLS FARGO BANK, N.A.

RESPONDING PARTY: Plaintiff ERIN WALKER

SET NO.: Two (Nos. 5-8)

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, defendant Wells Fargo Bank, N.A. hereby requests that plaintiff Erin Walker respond to the following requests for admission, under oath and in writing. Such response shall be produced at the offices of Covington & Burling LLP, One Front Street, San Francisco, CA 94111, within 30 days, or on such other day as may be directed by the Court.

REQUESTS FOR ADMISSION FROM WELLS FARGO
BANK, N.A. TO PLAINTIFF ERIN WALKER (SET TWO)
[Nos. 5-8]
Civil Case No.: CV-07-5923 WHA

DEFINITIONS

1. The term "YOU" includes plaintiff Erin Walker, her agents and representatives, and/or all other persons acting on her behalf.

2. "DEBIT TRANSACTIONS" means all items listed on your monthly account statement for the period(s) in question in the sections entitled "Withdrawals" (including the subsections for "Checks" and "Other withdrawals") *except for* any Overdraft Fees, Continuous OD Level 2 Charges, NSF Returned Item Fees, or other Wells Fargo Bank fees.

3. "CREDIT TRANSACTIONS" means all items listed on your monthly account statement for the period(s) in question in the section entitled "Deposits."

4. "GENUINE TRANSACTION" means a DEBIT or CREDIT TRANSACTION that you initiated and performed in the expectation that the transaction amount would at some point in time be added (for CREDIT TRANSACTIONS) or subtracted (for DEBIT TRANSACTIONS) from your account balance. (For purpose of this definition and these requests, the specific date and/or time when you expected the transaction to be added or subtracted from your account is immaterial.)

INSTRUCTIONS

1. The answer to any request for admission shall fairly and completely meet the substance of the requested admission. If your answer to any admission is qualified in any particular way, then you must state the facts of such qualification with particularity. Lack of knowledge or information is an insufficient basis for failure to answer fully a request for admission, unless you also state that you have made a reasonable inquiry and the information known or readily obtainable by you is insufficient to enable you to admit or deny.

2. Where an objection is interposed to any request for admission, the objection shall state with specificity all bases and grounds for the objections. A request for admission may not be objected to solely on the ground that the matter inquired into presents a genuine issue for trial.

3. If, in responding to any of these requests for admission, you encounter any ambiguity in construing either the request, a definition, or an instruction, state with

1 specificity the matter deemed ambiguous and identify the construction chosen or used in
2 responding to the request.

3 4. In construing these requests for admission, the singular shall be deemed
4 to include the plural and vice versa, so as to make each request inclusive rather than exclusive.
5 The word "and" shall be deemed to include the disjunctive "or" and vice versa, so as to make
6 each request inclusive rather than exclusive. The past tense shall be construed to include the
7 present and future tenses and vice versa, so as to make each request inclusive rather than
8 exclusive. The terms "all" and "any," whether used separately or together, shall be interpreted
9 to encompass all material, events, incidents, persons, or information responsive to the request in
10 which those terms appear.

11 5. Any matter admitted is conclusively established unless the court on
12 motion permits withdrawal or amendment of the admission.

13 6. If you fail to respond to these requests for admission within the time
14 allowed, every matter set forth in these requests may be deemed admitted and conclusively
15 established against you for the purposes of this action.

16 7. These requests for admission are continuing in nature so as to require
17 supplemental response as provided by the Federal Rules of Civil Procedure in the event you
18 obtain or discover additional relevant information between the time of the initial response to
19 these requests for admission and the time of the final disposition of this action.

20 REQUESTS FOR ADMISSION

21 REQUEST FOR ADMISSION NO. 5:

22 YOU do not dispute in this case that all DEBIT TRANSACTIONS shown on
23 your monthly account statement for the period ending June 25, 2007 (attached as Exhibit 1)
24 reflect GENUINE TRANSACTIONS.

25 REQUEST FOR ADMISSION NO. 6:

26 YOU do not dispute in this case that all CREDIT TRANSACTIONS shown on
27 your monthly account statement for the period ending June 25, 2007 (attached as Exhibit 1)
28 reflect GENUINE TRANSACTIONS.

REQUEST FOR ADMISSION NO. 7:

YOU do not dispute in this case the accuracy of the transaction amounts for any DEBIT TRANSACTIONS shown on your monthly account statement for the period ending June 25, 2007 (attached as Exhibit 1).

REQUEST FOR ADMISSION NO. 8:

YOU do not dispute in this case the accuracy of the transaction amounts for any CREDIT TRANSACTIONS shown on your monthly account statement for the period ending June 25, 2007 (attached as Exhibit 1).

DATED: June 5, 2008

COVINGTON & BURLING LLP

By: 

David M. Jolley
Attorneys for Defendants
WELLS FARGO BANK, N.A. and
WELLS FARGO & CO.

EXHIBIT 1

Account Statement

May 24 through June 25, 2007

Account Number:

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**REDACTED**

ERIN V WALKER

REDACTED

Thank you for banking with Wells Fargo. For assistance, call: 1-800-TO-WELLS (1-800-869-3557), TDD number (for the hearing impaired only): 1-800-877-4833. Or write: WELLS FARGO BANK, N.A., P.O. BOX 6995, PORTLAND, OR 97228-6995.

Do you need more money for college? If you need funds to cover your tuition costs, or other school related expenses, Wells Fargo offers a variety of student loans that can help (student loans are subject to qualification). The Federal Stafford Loan is among the most affordable student loan options available today, and Wells Fargo makes this good deal even better with no up-front fees and generous repayment benefits when you repay responsibly.

Graduate and professional students can secure even more federal funding with the Federal PLUS Loan. With this loan, graduate students can borrow up to the cost of education and defer payments while in school.

If federal funding isn't enough to cover your undergraduate expenses, we also offer private loans to help bridge the gap. Our private loans are available to students attending full-time, half-time, or less than half-time. You pay no origination, disbursement or repayment fees and you can postpone payments while you're in school. Once you leave school, we can help simplify repayment of your federal loans, and possibly improve your cash flow each month with federal loan consolidation.

To learn more about Wells Fargo student loans or to apply today, visit www.wellsfargo.com/student or call 1-800-658-3567.

Wells Fargo College Checking

Erin V Walker

Account Number:

REDACTED**Activity summary**

Balance on 05/23	\$32.80
Deposits	281.22
Withdrawals	- 846.82
.....
Balance on 06/25	-\$532.80

Before you leave on your next vacation, don't forget to get American Express Travelers Cheques. For more information and to purchase your Travelers Cheques, talk to your local banker. Or sign on to Wells Fargo Online Banking at wellsfargo.com and select "Account Services" then "Order Travelers Cheques".

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May 24 through June 25, 2007

Account Number:

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REDACTED**Activity detail****Deposits**

Date	Description	\$ Amount
05/29	ATM Deposit -05/26 Mach ID 4803P 11030 Jefferson Bl Culver City Ca 8107	92.50
06/01	ATM Deposit -05/31 Mach ID 0408B Gardena Main Gardena Ca 0202	92.50
06/04	Overdraft Protection From 6433237655	3.72
06/08	ATM Deposit -06/07 Mach ID 4803P 11030 Jefferson Bl Culver City Ca 0202	92.50
Total deposits		\$281.22

Withdrawals**Checks**

Number	Date	\$ Amount	Number	Date	\$ Amount	Number	Date	\$ Amount
104	06/04	8.79						
Total checks								\$8.79

Other withdrawals

Date	Description	\$ Amount
05/24	Check Crd Purchase 05/22 Johnnies NEW York Pizz Los Angeles Ca 446024XXXXXX0202 144740005612045?MCC=5814 121042882DA	11.64
05/29	ATM Withdrawal -05/28 Mach ID M926EXC2 Us Bank Beverly S. Bank Beverly Hills Ca 0202	22.00
05/29	Non-Wells Fargo ATM Transaction Fee	2.00
05/29	ATM Withdrawal -05/26 Mach ID 4803P 11030 Jefferson Bl Culver City Ca 0202	20.00
05/29	POS Purchase -05/26 Mach ID 000000 Vons Store Vons Culver City Ca 0202 ?MCC=5411 121042882DA	8.16
05/29	Check Crd Purchase 05/28 Coffee Bean&tea Lea Glendale Ca 446024XXXXXX0202 149740009395503?MCC=5814 121042882DA	4.25
05/29	POS Purchase -05/26 Mach ID 000000 Vons Store Vons Culver City Ca 0202 ?MCC=5411 121042882DA	4.20
05/30	Check Crd Purchase 05/28 Sharky'S Woodfired Gri Beverly Hills Ca 446024XXXXXX0202 150740005344745?MCC=5814 121042882DA	9.18
05/30	Check Crd Purchase 05/29 Coffee Bean&tea Lea Glendale Ca 446024XXXXXX0202 150740010204630?MCC=5814 121042882DA	5.09
05/31	ATM Withdrawal -05/31 Mach ID 4803P 11030 Jefferson Bl Culver City Ca 0202	20.00
05/31	Check Crd Purchase 05/29 Chevron 00094786 Culver City Ca 446024XXXXXX0202 151740008300206?MCC=5542 121042882DA	20.32
05/31	Check Crd Purchase 05/30 Coffee Bean&tea Lea Glendale Ca 446024XXXXXX0202 151740010634267?MCC=5814 121042882DA	6.85
05/31	POS Purchase -05/31 Mach ID 000000 Vons Store Vons Culver City Ca 0202 ?MCC=5411 121042882DA	4.05
06/01	ATM Withdrawal -06/01 Mach ID 4803P 11030 Jefferson Bl Culver City Ca 0202	20.00
06/01	Check Crd Purchase 05/30 Il Fornaio -Bvrlly Hls Beverly Hill Ca 446024XXXXXX0202 152740005500468?MCC=5812 121042882DA	22.16

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May 24 through June 25, 2007

Account Number:

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REDACTED*Other withdrawals -continued*

Date	Description	\$ Amount
06/01	POS Purchase -06/01 Mach ID 000000 Shell Service Sshell Servtorrance Ca 0202 ?MCC=5541 121042882DA	1.49
06/04	POS Purchase -06/02 Mach ID 000000 Arco Paypoint Arco Paypoculver City Ca 0202 ?MCC=5541 121042882DA	20.61
06/04	Check Crd Purchase 06/01 Shell Oil 57442712709 Torrance Ca 446024XXXXXX0202 154740009032785 ?MCC=5542 121042882DA	20.27
06/04	Check Crd Purchase 05/31 Essence Of Nature Los Angeles Ca 446024XXXXXX0202 154740017548467 ?MCC=5912 121042882DA	10.92
06/04	Check Crd Purchase 05/29 Jackson Market Culver City Ca 446024XXXXXX0202 154740017548466 ?MCC=5499 121042882DA	9.66
06/04	Check Crd Purchase 06/01 Sandbags Beverly Hills Ca 446024XXXXXX0202 154740018276061 ?MCC=5814 121042882DA	7.52
06/04	Check Crd Purchase 06/02 Starbucks USA 00005058 Beverly Hills Ca 446024XXXXXX0202 155740009491838 ?MCC=5814 121042882DA	5.55
06/04	Check Crd Purchase 06/02 Coffee Bean&tea Lea Glendale Ca 446024XXXXXX0202 154740013530978 ?MCC=5814 121042882DA	4.10
06/04	Check Crd Purchase 06/01 Jamba Juice 52 Beverly H Ca 446024XXXXXX0202 155740005935774 ?MCC=5814 121042882DA	4.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Overdraft Fee	34.00
06/05	Check Crd Purchase 06/03 Coffee Bean&tea Lea Glendale Ca 446024XXXXXX0202 156740004322565 ?MCC=5814 121042882DA	6.60
06/06	Overdraft Fee	34.00
06/06	ATM Withdrawal -06/05 Mach ID 4803P 11030 Jefferson BI Culver City Ca 0202	20.00
06/06	POS Purchase -06/05 Mach ID 000000 Arco Paypoint Arco Paypoculver City Ca 0202 ?MCC=5541 121042882DA	20.78
06/06	Check Crd Purchase 06/04 Coldstm Cream#753 Q24 Los Angeles Ca 446024XXXXXX0202 157740005149600 ?MCC=5812 121042882DA	4.69
06/07	Overdraft Fee	34.00
06/07	Overdraft Fee	34.00
06/07	Overdraft Fee	34.00
06/07	Continuous OD Level 2 Charge	5.00
06/08	Check Crd Purchase 06/07 Starbucks USA 00005058 Beverly Hills Ca 446024XXXXXX0202 159740004537789 ?MCC=5814 121042882DA	5.60
06/08	Continuous OD Level 2 Charge	5.00
06/11	Overdraft Fee	34.00
06/11	Check Crd Purchase 06/05 Jackson Market Culver City Ca 446024XXXXXX0202 161740020027308 ?MCC=5499 121042882DA	10.34
06/11	Continuous OD Level 2 Charge	5.00
06/12	Overdraft Fee	34.00

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May 24 through June 25, 2007

Account Number:

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REDACTED*Other withdrawals -continued*

Date	Description	\$ Amount
06/12	Continuous OD Level 2 Charge	5.00
06/13	Continuous OD Level 2 Charge	5.00
06/14	Continuous OD Level 2 Charge	5.00
Total other withdrawals		\$838.03
Total withdrawals		\$846.82

No matter where you go, chances are there is a Wells Fargo Bank or ATM near you. With over 3,000 locations and 6,500 ATMs across 23 states, plus FREE online access and Online Statements, you can be sure your account information and access are within close reach. Visit wellsfargo.com to find information on free online access, online statements and locations of Wells Fargo ATMs/Banking Stores.

Daily balance summary-

Date	\$ Balance	Date	\$ Balance	Date	\$ Balance
05/23	32.80	06/01	36.41	06/08	- 434.46
05/24	21.16	06/04	-51.29	06/11	-483.80
05/29	53.05	06/05	-329.89	06/12	-522.80
05/30	38.78	06/06	-409.36	06/13	-527.80
05/31	-12.44	06/07	-516.36	06/14	-532.80

Thank you for banking with Wells Fargo.

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Account Balance Calculation Worksheet

1. Use the following worksheet to calculate your overall account balance.
2. Go through your register and mark each check, withdrawal, ATM transaction, payment, deposit or other credit listed on your statement. Be sure that your register shows any interest paid into your account and any service charges, automatic payments or ATM transactions withdrawn from your account during this statement period.
3. Use the chart below, list any deposits, transfers to your account, outstanding checks, ATM withdrawals, ATM payments or any other withdrawals (including any from previous months) which are listed in your register but not shown on your statement.

ITEMS OUTSTANDING		
NUMBER	AMOUNT	
TOTAL	\$	

▶ ENTER

A The NEW BALANCE shown on your statement is _____

▶ **ADD**

8 Any deposits listed in your register or transfers into your account which are not shown on your statement. \$ _____

TOTAL

► **CALCULATE THE SUBTOTAL** \$ _____
(Add Parts A and B)

► SUBTRACT

C The total outstanding checks and withdrawals from the chart above - \$ _____

► CALCULATE THE ENDING BALANCE
(Part A + Part B - Part C)
This amount should be the same
as the current balance shown in
your check register

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In Case of Errors or Questions About Your Electronic Transfers (Including Direct Deposit Advance or Deposit AdvanceSM Transactions)

Telephone us at the number printed on the front of this statement or write us at Wells Fargo Bank, P.O. Box 6995, Portland, OR 97228-6995 as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

1. Tell us your name and account number (if any).
2. Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.
3. Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation.

If the error concerns a Direct Deposit Advance or Deposit Advance transaction, you do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your Direct Deposit Advance or Deposit Advance transaction that are not in question. While we are investigating your question, we cannot report you as delinquent or take any action to collect the amount you question.

* The Deposit Advance service is not available in all states.

**To Dispute or Report Inaccuracies in Information We Have
Furnished to a Consumer Reporting Agency About Your
Accounts**

You have the right to dispute the accuracy of information that Wells Fargo Bank, N.A. has furnished to a consumer reporting agency by writing to us at Wells Fargo Servicing, P.O. Box 14415, Des Moines, IA 50306-3415. Please describe the specific information that is inaccurate or in dispute and the basis for the dispute along with all supporting documentation. If you believe the information furnished is the result of identity theft, please provide us with an identity theft report.



Are you interested in...

- Purchasing a home? Call us at 1-800-866-0743
- Getting a student loan? Call us at 1-888-945-5373
- Optimizing home equity? Call us at 1-866-259-0890

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